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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic report submitted in accordance with Economic and Social Council resolution 1988 (LX) by States parties to the Covenant concerning rights covered by articles 13 to 15

Addendum

ROMANIA*

[7 January 1993]

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* The initial report submitted by the Government of Romania concerning rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.13) was considered by the Sessional Working Group of Governmental Experts at its 1982 session (see E/1982/WG.1/SR.17 and 18).

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Introduction

This report, which deals with the implementation of articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights, is the second periodic report concerning the rights covered by the above-mentioned articles submitted by Romania in accordance with the programme established by the Economic and Social Council in its resolutions 1988 (LX) and 1988/4, as well as in its decision 1985/132.

The revised general guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1991/1), drawn up by the Committee on Economic, Social and Cultural Rights, have been followed in the drafting of this report.

The information contained in this report should be supplemented by reference to that given in the core document on Romania prepared in accordance with United Nations General Assembly resolution 45/85 of 14 December 1990 and with the consolidated guidelines for the initial part of the reports of States parties (HRI/Core/1/Add.13).

Article 13

1. The system based on the dogmatized ideology of Marxism-Leninism has been discredited by events in all the countries of Central and Eastern Europe. These countries are currently returning to a market economy and to pluralist democratic systems. It is therefore absolutely essential to re-examine and reform the school system.

2. It is common knowledge that Romania has lived through one of the most exacerbated forms of totalitarianism, ideological dogmatism and the personality cult. The whole of education was subordinated to the aim of producing a consciousness that would be as uniform and narrow as possible, moulded to the ideology and policy of the Communist Party. Under these conditions, reform of the education system in Romania is not only required, but is extremely urgent.

3. Within a few weeks of the Revolution of December 1989, certain measures had been taken to redress the situation inherited from the former system. Educational aims and subjects specific to the Communist ideology were the first to be eliminated. Freedom of opinion and judgement were reintroduced in schools and universities, along with a spirit of objectivity and criteria of merit. New subjects that had not previously existed in the curriculum - ecology, international economic relations, management and administrative sciences - were also instituted and psychology and sociology were reintroduced.

4. New disciplines and activities in civics and ethics were introduced beginning in the school year 1992/1993, in direct line with the international conventions on human rights and freedoms. During the first two years of the transition period several draft laws on education were prepared and submitted

to public debate; they are now being examined by the specialist parliamentary commission. Education has continued during this period on the basis of annual governmental decisions changed for each school year in the light of new conditions, developments and requirements.

Organization of education

5. Article 32 of the Romanian Constitution (1991) provides:

"(1) The right to education is ensured through compulsory general education, secondary education and vocational training, higher education and other forms of instruction and further education.

(2) Teaching at all levels is carried out in Romanian. Under the conditions of the law teaching may also be provided in an internationally used language.

(3) The right of persons belonging to national minorities to learn their mother tongue and the right to be able to be taught in that tongue are guaranteed; how these rights are exercised is determined by law.

(4) Public education is free, in accordance with the law.

(5) Educational institutions, including private schools, are set up and operate under the law.

(6) University autonomy is guaranteed.

(7) The State guarantees the freedom of religious instruction in accordance with the specific needs of each religion. Religious education in State schools is organized and guaranteed by the law."

Structure of the Romanian education system

6. The Romanian education system is structured as follows:

Kindergartens (between 3 and 6/7 years)

Basic (primary and lower secondary) education (8 years):

Including

upper secondary (4/5 years)

vocational training (3/4 years)

supplementary education (2 years)

Technical trade schools

Post-secondary schools (3 years)

Colleges (short degree course universities - 3 years)

Universities (from 4 to 7 years) - postgraduate education

Doctorates.

7. Pre-school education is intended for children between the ages of 3 and 6 (7) years. It is provided in nursery schools with a normal, extended or weekly programme or in schools for children with learning disabilities (sensory or mental). The respective schools are organized for groups averaging 25 children. Each group has a teacher appropriately trained for this work. Pre-school children's homes exist for orphans, children without guardians and children from broken homes.

8. Primary education, which is free, lasts for four years (classes 1 to 4). It is exclusively day-school education and, having regard to the age of the pupils, it generally takes place in the morning. Pupils enrolled in the first class must be between 6 and 7 years old at the start of the school year. Primary education may be provided in schools that consist only of classes 1 to 4, in schools that have classes 1 to 8, and even in schools teaching the full secondary syllabus (classes 1 to 12), depending on the numbers of children of school age, their degree of dispersion and the premises available.

9. There is a direct relationship between fluctuations in the size of the school population and demographic changes over the last few years, on the one hand, and the size of primary school classes, on the other. An average of 30 pupils in primary school classes is planned to accommodate these fluctuations and avoid zonal and regional inequalities. The maximum size of class is 40 pupils and the minimum 10. The combination of classes 1 to 4 is permitted in isolated rural localities, but on condition that there are at least 4 pupils of an age for these classes and that the same class contains all pupils of the same age in the area.

10. Primary education is provided by general teachers (schoolmasters), with the exception of foreign languages, which are taught by subject teachers. In order to achieve the most suitable teacher-to-pupil ratio, provision is made for the number of teachers to vary in relation to the number of pupils in the class: 1 teacher for between 4 and 20 pupils and 2 for between 21 and 40 pupils.

11. Secondary education in lower secondary schools is free and is organized as a lower secondary curriculum for classes 5 to 8. The groups of pupils are of the same size as for the primary level, i.e. an average of 30, with variations between 10 and 36 pupils per class allowed.

12. Apart from some differences arising from subject options, provision is made for special teaching for particularly gifted children. Schools in which classes 1 to 8 have a special curriculum in music, the plastic arts and choreography are organized for these pupils. There are also schools that have a special physical education and sports curriculum (geared to the various branches of sport). In accordance with their particular aims, these special teaching programmes for gifted children are provided either individually, or for small groups, or in classes of no more than 25 to 30 pupils.

13. There are special schools (classes 1 to 8) organized by the Ministry of Education and the State Secretariat for the Disabled for children with sensory and mental disabilities. The average size of class in these schools is 10 pupils, and the permitted range of variation is from 8 to 12 pupils.

14. Orphans, children who have no legal guardians and children from broken homes are another category requiring special educational treatment. There are homes for children of school age that provide appropriate instruction for them.

15. Some secondary schools teach a higher (full) secondary curriculum. This education, which is also free, pursues a dual aim: education for active life, for those who will not pursue their studies any further, and education leading to further study in a post-secondary or higher form of education. These facilities are, therefore, highly diversified and flexible. The curricula seek to reconcile the two main aims proposed.

16. The types of school are far more diverse at this educational level: higher secondary schools, teacher-training schools and theological seminaries. They provide tuition for classes 1 to 12 or for classes 9 to 13 as daytime education or evening classes.

17. There are the following types of higher secondary schools: general; industrial; agricultural; forestry; medical, teaching classes 10 to 13 (being phased out to be replaced by post-secondary schools by branch); economic studies (administrative and public services); computer studies; metrology; teacher training; art; physical education and sport; military; and theological seminaries.

18. The general higher secondary schools are a fairly large proportion of all secondary education. They teach classes 9 to 12 (daytime education) or classes 9 to 13 (evening classes). The pupils are taught either sciences or humanities. Teacher training schools are organized for classes 9 to 13.

19. The size of class in secondary schools is, in general, 30 pupils, with a permitted range of from 18 to 36. The size of class in art schools and schools with a programme of physical education and sport is between 25 and 30 pupils.

20. Admission to the ninth class (the first year of higher secondary education) is by competitive examination. The course leads to a school-leaving diploma (class 12 for daytime education and class 13 for evening education). The diploma qualifies the holder to sit the entrance examination for higher and post-secondary education. Those who wish to begin active life are qualified for occupations at the intermediate level.

21. Vocational education is provided in trade schools, which give courses lasting three to four years (daytime education). These schools are organized by the Ministry of Education through the school inspectors, and also by ministries and departments of the trade or profession concerned, through local bodies, or even by the local councils. They operate as separate entities or parallel with higher secondary schools, technical schools for the training of foremen and post-secondary special schools as school groups under single management.

22. In addition to instruction for a particular trade or occupation, trade schools also provide teaching in general subjects equivalent to the first two years of the higher secondary curriculum (classes 9 and 10). The size of

class in these schools is the same as in the secondary schools: an average of 30 pupils, and a range of from 18 to 36. Admission to these schools is by examination. Candidates must have completed the lower secondary course to be eligible. The range of subjects taught to the pupils of trade schools is laid down by the Ministry of Education and the Ministry of Labour and Social Security. On completion of their trade studies pupils sit a final examination and receive a diploma in a particular trade.

23. Technical education for foremen is provided in trade schools and lasts from one and a half to two years (daytime courses) or two to three years (evening classes). These schools are organized by the ministries concerned and by other central bodies. The subjects taught and the curricula of this type of education are laid down in the light of the needs of the economy. An end-of-course examination leads to a diploma which confers the right to teach the chosen subject in accordance with the curricula drawn up by the Ministry of Education and the Ministry of Labour and Social Security.

24. Post-secondary special education is another form of vocational training provided in post-secondary schools organized by the Ministry of Education following a proposal from ministries, economic departments and other central bodies. The pupils receive instruction to fit them for employment in a middle-level technical, economic, socio-cultural or medical profession.

25. Lastly, mention should be made of the fact that the Ministry of Education and the State Secretariat for the Disabled organize residential schools for children with mental, motor or mental and motor disabilities. Special vocational retraining schools and training and retraining courses for the disabled are organized for pupils with hearing or sight disabilities and with mental, motor or combined mental and motor disabilities.

26. There are two kinds of higher education in Romania.

27. Short-course higher education (colleges) provides training for future specialists to occupy posts in production, operation and/or management at an intermediate level between workers and engineers. This is education at a higher level than that provided by trade schools, higher secondary schools or post-secondary schools, but at a lower level than the advanced studies required for the practice of highly qualified professions: engineers, doctors, economists and subject teachers. The colleges are organized in existing institutes of higher education or in other educational facilities provided that they form part of the higher education system. Courses last for between two and three years of daytime instruction.

28. Long-course higher education prepares highly qualified specialists for all spheres of activity. It is provided in universities, polytechnics, institutes and academies, and lasts for between four and seven years. There are day courses, evening courses and correspondence courses. There are also postgraduate schools providing courses lasting for between one and two years, day courses and correspondence courses. The doctorate is another form of university specialization. All forms of State higher education are free in Romania.

29. The structure of the network of educational institutions was profoundly modified during the existence of the former system, because the role and importance of technical and trade schools was exaggerated and because other curricula and disciplines were cut back and even abolished. Teaching projects and programmes were also profoundly modified because the political and ideological component and the standardization of information content became compulsory. The programmes that were put forward for the elimination of primary illiteracy, which were, of course, desirable, opened the way to a mediocre level of secondary education and, consequently, to a crisis of competence, because the professional motivation and effectiveness of work were reduced. These aspects, which became accentuated over the years, gave rise to egalitarian outlooks and false hopes, creating current difficulties that have to be overcome by the reform of education in Romania.

30. The main goals of this reform are as follows:

(a) To draw up a new plan for the network of educational institutions with a view to re-examining the educational role of the various schools and faculties;

(b) To review and restructure school curricula, programmes and textbooks in order to bring them into line with contemporary standards of educational psychology;

(c) To modernize the system of training and further training for teachers; to develop an instrument for evaluating their professional skills and, performance and the effectiveness of each curriculum pattern and type of school in attaining specific educational goals;

(d) To re-examine the relationship between the information, execution, applicability and problem-solving component and the different educational aims on the one hand, and the achievement of the balanced and harmonious development of the pupil's personality, on the other;

(e) To ensure effective communication between the various levels of the educational system, both horizontally and vertically, and appropriate flexibility in the programmes and structures of vocational training;

(f) To achieve genuine and viable democratization of the education system, in order to guarantee equal opportunity, eliminate all ethnic, social or religious discrimination, and consolidate the relationships between teacher and pupil, school and family, administration and salaried staff and administration and trade unions;

(g) To improve the methods of school and vocational guidance and selection by establishing an appropriate network of specialized educational psychology centres; to accustom teachers to knowing and evaluating the pupils psychologically;

(h) To improve the system of testing and evaluating pupils and students, at the beginning and at the end of the principal stages of education and vocational training, and thus enhance the usefulness of examinations as a pointer to the candidate's subsequent activity;

(i) To rethink the teaching curricula on the basis of three essential criteria of educational psychology: the character and the practical and professional purpose of the school, the content and educational function of the different subject-matters, and the specific features and requirements relating to the educational and psychological development of the child personality at different ages and under different social and cultural circumstances;

(j) To achieve reasonable decentralization of responsibilities and prerogatives, in order to organize, coordinate and finance education and to establish new relationships between representatives at the local level and at the central level;

(k) To train as rapidly as possible, through intensive courses and with the assistance of specialized international centres, competent school managers who can improve the administration and management of the funds and resources allocated to education.

31. A law on education should set forth the main options and directions of the reform and give the legal justification for them, which will contribute to the organization and advancement of the teaching and education process.

Statistical data on the school population

32. The statistical data on the school population are as follows:

- Population of Romania: 23.3 million (according to the January 1992 census);
- School population (1990-1991): 5,036,379, or 21.6 per cent of the total population; 1991-1992: 4,774,836, or 21 per cent of the total population;
- Number of children in nursery schools (1991-1992): 742,066;
- Number of nursery schools (1991-1992): 12,595; the teacher-child ratio is 1 to 20;
- Primary and lower secondary schools: number of children in classes 1 to 4 and classes 1 to 8 (1991-1992): 2,608,914;
- Number of schools: classes 1 to 4 - 6,137; classes 1 to 8 - 7,710 (1991-1992);
- Number of schoolmasters: 56,938; number of pre-university teachers: 156,149 (1991-1992);
- Number of pupils in higher secondary schools: 778,420 (1991-1992); number of pupils receiving vocational training and training as foremen: 395,037 (1991-1992);
- Number of higher secondary schools (1991-1992): 1,209;

- Number of higher secondary school teachers (1991-1992): 55,013;

- Number of pupils at the post-secondary level (1991-1992): 35,173;

- Number of students: 153,000 (1989-1990); 170,000 (1990-1991); 215,226 (1991-1992); 256,295 (1992-1993);

- Teachers of higher education: 11,900 (1989-1990); 14,000 (1990-1991); 17,615 (1991-1992);

- Teacher-student ratio: 1 to 14 (1989-1990) and 1 to 12 (1991-1992);

- Number of scholarship-holders at all levels of education: 280,991 (1990-1991);

- The educational statistics for the national minorities are given in the annex to this report.

- Number of children in kindergartens, pupils and students by sex (1991-1992):

  - pre-school education: 375,000 (M) and 366,000 (F);

  - basic education: 1,351,782 (M) and 1,287,497 (F);

  - higher secondary education: 335,734 (M) and 442,686 (F);

  - vocational education: 197,465 (M) and 75,312 (F);

  - university: 116,194 (M) and 99,032 (F).

- Structure of the teaching staff at the pre-university level (1991-1992):

  - Pre-primary - 14.6 per cent;

  - Primary - 22.8 per cent;

  - Secondary - 62.6 per cent.

Percentage of the national budget allocated to education (1992)

33. The percentage of the national budget allocated to education can be broken down as follows:

Socio-cultural expenditure: 33.4 per cent

Breakdown of socio-cultural expenditure:

- culture and art - 1.5 per cent

- allowances for children - 22.9 per cent

- social welfare - 0.6 per cent
- education - 38.5 per cent
- health - 31.9 per cent
- other expenses - 4.7 per cent

Expenditure on education:

- nursery schools - 7.7 per cent
- basic education - 40.5 per cent
- higher secondary schools - 22.8 per cent
- universities - 10.5 per cent
- orphanages - 11.2 per cent
- other institutions - 7.2 per cent

Schools built in 1990 and 1991 - 35.

Total investments (1992-1993): around 3.5 billion lei used for 171 targets (schools, residences, hostels, etc.).

Equal access to the different levels of education

34. The Romanian State grants scholarships to disadvantaged children and to the children of the heroes of the 1989 Revolution, as well as scholarships based on merit and scholarship to children who have no schools in their districts and to those who commute. The State also has grant programmes for exercise books and supplies, special arrangements in holiday camps for children and for exceptional pupils, etc. A food allowance is given to the pupils and students in the students' and pupils' hostels, to young people who are mentally deficient and to young people in retraining centres for the mentally deficient and the disabled. With regard to handicapped children, there is an important provision in Act No. 53 of 1992, concerning special protection for the handicapped, which also provides for teaching at home. Under the Romanian Constitution and the regulations currently in force, the children of national minorities are ensured the opportunity to receive a general education in their mother tongue, just like Romanian children.

35. The areas where there are residents belonging to national minorities, also have nursery schools, primary and lower secondary schools, higher secondary schools, teacher-training schools or classes, groups and sections where instruction is given in the mother tongue of the national minorities (see the annex to this report).

36. Romanian Government decision No. 461 of 30 June 1991 concerning the organization and operation of education in Romania for the 1991-1992 academic year contains provisions with respect to education in the mother tongue of

members of minority groups. According to this decision, Romanian citizens are entitled to education regardless of their social origin, sex, ethnic group or political or religious affiliation and without any restriction which might constitute an infringement of fundamental human rights. The decision provides for instruction in Romanian at all levels. It further provide that children and pupils belonging to national minorities shall enjoy the same conditions as children of Romanian nationality (general instruction in their mother tongue).

37. To that end, in areas where persons belonging to national minorities live, nursery, primary, lower and higher secondary and teacher-training schools, classes, groups or sections which use their mother tongue as the language of instruction may operate. Depending on the number of applications and the density of the minority population of the area, the school inspectorates establish schools, groups, classes or sections for the minorities.

38. In order to be able to take an active part in Romanian economic, social, political and cultural life, young people belonging to the national minorities must know the Romanian language, and they are guaranteed the conditions to enable them to meet this requirement. A paper in Romanian language and literature is a compulsory part of the baccalaureate examination. The history and geography of Romania are also taught in Romanian. Young people belonging to the national minorities may opt to be taught in Romanian and are guaranteed the opportunity to learn their mother tongue during their years of study. University applicants belonging to the national minorities may take their examinations in their mother tongue. This applies to competitive or other entrance examinations as well as to the examinations at all levels of education, in the disciplines studied in their language. Consequently, apart from education in Romanian, some forms of education exist in the mother tongue of the different national minorities: Hungarian, German, Serbian, Ukrainian.

39. Education in Hungarian, for example, is organized within the framework of 2,428 units and sections of education at the nursery, primary, lower and upper secondary, vocational and post-secondary levels - units representing 8.5 per cent of all educational facilities in Romania. Compared with the situation that existed before 1989, the number of units and sections providing education in Hungarian has increased by almost 280, from 2145 to 2428. Whereas in the 1989-1990 academic year there were 107 higher secondary sections in Hungarian, this number increased to 135 in the academic year 1991-1992 and of these there are 33 units in which Hungarian is the only language of instruction. For the 1991-1992 academic year, there were seven teacher-training schools at the higher secondary level training teachers for nursery and primary schools in Hungarian, compared with two in 1989.

40. Students of Hungarian origin study in their mother tongue at the Institute of Medicine and Pharmacology and at the "Szentgyorgy István" Theatre Institute, both of which are situated in Tîrgu-Mureş. The same occurs in many disciplines at the "Babeş-Bolyai" University of Cluj-Napoca.

41. There are 222,826 children enrolled at the nursery, primary, lower and higher secondary, vocational and post-secondary levels where the language of instruction is Hungarian, and they represent 4.9 per cent of the total school population of Romania. In actual fact, all children of Magyar ethnic origin

who so wish may be given an education in their mother tongue. The others, according to their parents' choice, pursue their studies in Romanian. During the current academic year, there are 8,777 students of Hungarian ethnic origin enrolled in institutions of higher education - 1,686 more than in 1989.

42. There is a staff of 12,714 teachers (2,336, 3,415 and 6,963 at the respective levels) for education in Hungarian, which represents over 5 per cent of all the teachers in the country. Education in Hungarian is administered by teachers of Magyar ethnic origin.

43. With regard to education in German, after the departure from Romania of a large part of the population of German ethnic origin, the number of pupils belonging to this minority declined. For the current academic year, there are 18,711 pupils (0.39 per cent of the total school population) enrolled in nursery, primary, lower secondary, higher secondary and post-secondary schools where the language of instruction is German. There is a staff of 1,041 teachers for education in German, which represents 0.44 per cent of all the teachers in Romania.

44. Education is also provided in the Serbian, Ukrainian, Czech, Slovak, Turkish and Bulgarian languages.

International assistance

45. During the last two years, the international activities of the Ministry of Education have been directed towards the integration and participation of the Romanian school in the broad didactic and scientific dialogue. To that end, the institutional framework which was established - intergovernmental cultural and scientific exchange programmes, direct cooperation agreements between universities, joint research programmes - has permitted exchanges of pupils, students, teachers and research workers. Romania has signed agreements with all the European countries, the United States and Canada, as well as with many African, Asian and Latin American countries. Under these programmes and agreements, young Romanian students study or do research work at foreign universities, and foreign teachers and experts are cooperating to transform and modernize Romanian higher education.

46. Through foreign lectureships and summer courses in language, literature and civilization, many academic communities throughout the world are introduced to Romanian culture and the spirit of other cultures is brought to the Romanian universities. To a significant extent, these contacts involve the circulation and exchange of school and university books and publications, which helps to increase the understanding of the education systems and to bring them closer together.

47. Romanian higher education occupies an important place on the international university circuit, as attested by the number of young people (over 13,000) who come to study in Romania from more than 100 countries. After one year of preparation, they can study in the Romanian language, but they may also select various branches where instruction is in French, English or German.

48. The Trans-European Mobility Scheme for University Studies (TEMPUS) for the Eastern European countries is currently executing over 100 active projects which are bringing Romanian and European higher education physically and spiritually closer. In addition, alternative schools: such as nursery schools and Waldorf schools have now made their appearance; there are foreign teachers teaching in Romanian schools; and there are many workshops on education, with international participants. It should also be mentioned that Romania is participating in and cooperating with UNESCO programmes such as the World Decade for Cultural Development and Curriculum Development in Europe.

49. For information about the existing system of education in Romania, as well as the educational strategy for the twenty-first century, see the annex to this report.

Article 14

50. Romania has never had under its jurisdiction or been responsible for territories other than its own national territory. This article therefore does not apply to Romania.

Article 15

51. According to article 30 of the Constitution:

"(1) Freedom of expression of thoughts, opinions or beliefs and freedom of creation of any type, whether orally, in writing, in images, in sound or by other forms of public communication, are inviolable.

(2) Censorship of any kind is prohibited.

(3) Freedom of the press also includes freedom to publish.

(4) No publication may be suppressed.

(5) The law may require the mass media to make public their source of financing.

(6) Freedom of expression may not adversely affect the dignity, honour or private life of the individual or his right to his own image.

(7) The following are prohibited by law: defamation of the country and the nation, exhortation to a war of aggression or national, racial, class or religious hatred, incitement to discrimination, territorial separatism or public violence, and public obscenity, contrary to public morality.

(8) Civil liability for the information or creation made public devolves on the publisher or producer, the author, the organizer of the artistic event and the owner of the means of distribution or the radio or television station, under the conditions laid down by the law. Press offences are established by the law."

52. With regard to cultural rights, the provisions of article 31 of the Constitution concerning the right to information are also relevant:

> "(1) The right of the individual to have access to all information of public interest may not be restricted.
>
> (2) The public authorities, in accordance with the powers bestowed on them, are required to inform their fellow citizens accurately regarding public affairs and matters of personal interest.
>
> (3) The right to information shall not adversely affect measures to protect young people or national security.
>
> (4) The public and private mass media are required to ensure that public opinion is accurately informed.
>
> (5) The public radio and television services shall be independent. They shall guarantee large social and political groups the exercise of the right to broadcast. The organization of these services and parliamentary control of their activity shall be governed by an organizational act."

53. Romanian law is dominated by the principle of equal opportunities for all individuals, without discrimination in respect of their access to culture.

(a) By virtue of Government decision No. 942/90 concerning the organization and operation of the Ministry of Culture, this Ministry organizes culture and art competitions and international creation and interpretation competitions and facilitates the participation of Romanian artists in similar events;

(b) Similarly, the Ministry organizes, encourages and financially supports creative activities, cultural and art activities of national interest and exhibitions in Romania and abroad and subsidizes private initiative in these areas. The institutional infrastructure to ensure the implementation of cultural rights mainly comprises, inter alia, museums, libraries, theatres, musical institutions, cinemas, art colleges, cultural centres and institutes;

(c) The organization and operation of these institutions ensures free access to all individuals without discrimination.

54. Operating within the Ministry of Culture, the Directorate-General for National Minorities proposes measures to guarantee the access of persons belonging to the national minorities to their own culture and the preservation of their cultural and spiritual identity. A Centre of European Studies on Ethnic Problems was set up by Government decision No. 677/1991 in order to promote a better understanding of these problems, mutual respect and a spirit of tolerance.

55. Article 6 of the Romanian Constitution provides as follows:

"(1) The State shall recognize and guarantee that persons belonging to the national minorities have the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity;

(2) The measures of protection taken by the State to preserve, develop and express the identity of persons belonging to the national minorities shall be in keeping with the principles of equality and non-discrimination in relation to other Romanian citizens."

56. The Romanian State gives material and financial support to the cultural life of persons belonging to the minorities so as to ensure the expression, preservation and development of their cultural identity. State expenditure for cultural activities in minority mother tongues amounted to 114,800,000 lei in 1991, accounting for 5 to 6 per cent of the total annual expenditure of the Ministry of Culture. Mention should also be made of the substantial material and financial efforts made locally, particularly by the prefectures, e.g. approximately 108 million lei for ethnic Hungarians and approximately 19 million lei for ethnic Germans in 1991. These figures are not complete and do not include either expenditure on museums and libraries or that required for other local cultural needs.

57. Six State theatres or professional groups operate in Hungarian at Cluj-Napoca, Timişoara, Miercurea-Ciuc, Tîrgu-Mureş, Oradea, Satu-Mare and Sfîntu-Gheorghe, in addition to a lyric opera theatre at Cluj-Napoca and four State-Subsidized groups in the puppet theatres of Tîrgu-Mureş, Cluj-Napoca, Oradea and Satu-Mare. There are three State-subsidized professional folk groups: "Mureşul", which has a Hungarian section (Tîrgu-Mureş), "Harghita" (Miercurea-Ciuc), and "Harom Szek" (Sfîntu Gheorghe), the latter two set up in 1990. A State German theatre is in operation at Timişoara and the State theatre of Sibiu has a German section. Similarly, the puppet theatre of Sibiu has a German section. There are also folk groups in languages such as the following: Hebrew, Slovak, Czech, Serbian, Romany, Ukrainian, Turkish, Bulgarian and Lipovan.

58. Many daily publications and periodicals have appeared in the minority languages, along with those already published. A substantial number of publications in the minority languages are subsidized by the Romanian State through the Ministry of Culture. A major daily newspaper and several major periodicals as well as 70 departmental, local and professional publications appear in Hungarian and many others in other languages.

59. The central romanian broadcasting company has daily broadcasts in Hungarian and German, as well as in the other minority languages. Similarly, Romanian Television puts out weekly programmes in Hungarian, German and the languages of persons belonging to other minorities. Programmes in those languages are broadcast daily by the radio studios throughout the territory.

60. The Kriterion publishing house, based in Bucharest, specializes in books and publications in the minority languages, since many authors ... belong to the minorities, as well as translations of Romanian or foreign authors. Kriterion also publishes Romanian translations of authors members of the

minorities or works by Romanian or foreign authors concerning Romania's minorities. The Dacia publishing house at Cluj-Napoca also has specialized sections in Hungarian and German. Other publishing houses also issue works in Hungarian and German in the main areas inhabited by the minorities.

61. The cultural heritage of the ethnic minorities is being inventoried with the support of the Ministry of Culture, in a large-scale survey of their historical and cultural monuments now in preparation. Religious centres with parishioners from the minorities receive particular attention. Programmes have been prepared for making ethnographic collections and opening memorial buildings and museums to present the art and traditions of their ethnic minorities.

62. Where international cultural contacts are concerned, as in the case of the opening up and development of democracy in Romania, the cultural life of those belonging to the minorities has begun to flourish again. One of the methods used since 1990 is to maintain numerous contacts between Romanian institutions, associations and cultural societies and those in other countries. Artistic groups and ensembles from the ethnic minorities regularly take part in cultural events abroad and in Romania, some of which are supported financially by the Ministry of Culture. Artists and groups from other countries have also been invited to take part in cultural and artistic events in Romania, sometimes with financial support from the Romanian Ministry of Culture.

63. According to article 30 of the Constitution, freedom of thought, opinion and belief is inviolable. This freedom may under no circumstances adversely affect the dignity, honour or private life of the individual or the right of every individual to his own image. This article of the Constitution also prohibits defamation of the country and the nation, exhortation to a war of aggression or national, racial, class or religious hatred, incitement to discrimination, territorial separatism or public violence, and public obscenity contrary to public morality.

64. Article 31 of the Constitution lays down that the mass media (public or private) are required to inform public opinion accurately, without impairing the protection of young people or national security. In connection with the role of the mass media, the Constitution provides that the public radio and television services must guarantee large social and political groups the exercise of their right to broadcast. By contributing to public instruction and education, the mass media act as a unifying and integrating force. The State supports the activity of the mass media. Mention may be made of measures taken regarding culture in Government decision No. 1284/1990 concerning subsidies to technical and scientific literature and culture in written form.

65. Safeguarding the cultural heritage and promoting familiarity with it is an important activity. In Decrees Nos. 90 and 91/1990, the Romanian State set up a Commission for Museums and Collections and a Commission for Monuments and Historic Settings and Sites, whose main task is to inventory, maintain and conserve the cultural heritage. These bodies are now preparing regulations

to prevent illegal imports, exports and transfers of ownership of cultural assets, to draw up inventories for protective purposes, and to prevent the disfiguring, deterioration or destruction of monuments and historic settings, inter alia, through international protection and collaboration.

66. Article 30 of the Romanian Constitution provides for freedom of creation - orally, in writing, in images, in sound or by other forms of public communication - and prohibits censorship. Government decision No. 942/90 also lays down the principles of the freedom of creation and the primordial nature of value based on artistic and cultural criteria. Freedom of creation may not adversely affect the individual's dignity, honour or private life, or his right to his own image. Civil liability for the information or creation made public devolves on the publisher or producer, the author, the organizer of the artistic event, and the owner of the means of distribution or the radio or television station, under the conditions laid down by the law (art. 30 (8), of the Constitution; Act No. 48/1992 (the Audiovisual Act), etc.). The promotion and knowledge of cultural values includes freedom of movement for the product of the creative activity, while respecting the regulations concerning royalties and the cultural heritage.

67. Professional information cultural and artistic matters is transmitted by the individual cultural institutions - libraries, museums, archives, etc. - to which the system of organization and operation, laid down in regulations adopted by the Ministry of Culture, ensures free access to every citizen without discrimination. The State guarantees to all the right to obtain, possess, reproduce and distribute material of all kinds provided that respect is ensured for measures to protect young people and national security and for royalties and the cultural heritage.

68. In cultural matters, measures have also been taken concerning the organization of the activity of impresarios (Government decision No. 342/1990) and provisions have been drawn up for the organization of shows and concerts (Order No. 471/1990).

Research and development activity

69. (a) Romania's return to world technical and scientific values cannot be envisaged without the reorganization and reinvigoration of the national scientific potential. This vast and complex process has already begun with: the setting up of the Ministry of Research and Technology to stimulate and support progress in science and technology; the reorganization of the Romanian Academy; the organization of research units, depending on their choice, into commercial companies, independent corporations, public institutions or units without legal personality in the context of the independent corporations; the elaboration of compensatory measures as regards the promotion of research personnel; the financing of research activity from a number of sources - the State budget, the special budget and the private sector; the setting up of an Advisory Board for research and development activity, comprising scientists, researchers and managers working on the preparation of projects and high-level specialists; and the revival of international cooperation.

70. Potential research and development personnel currently amount to approximately 287,000 persons, of whom some 125,000 have completed their higher education. This is comparable per 1,000 employees to the level in Germany (world leader in this regard). Unfortunately, an inefficient system of organization, the scarcity of material and documentary resources, neglect of basic research, etc., have not enabled the true value of this potential to be realized; in the circumstances, both the reorganization and the reorientation of scientific research and technological development are required, given the existing tradition but also the growing cost of research in a period of transition towards a market economy.

71. During an initial stage, the research and development network was structured and government bodies established to coordinate it. The research and development network includes: higher education and the units themselves; institutes coming under the Romanian Academy; institutes coming under other bodies; and factory units. According to the terms of reference set out in Romanian Government decision No. 940/1991, the coordination of research in higher education, the institutes coming under the Department and intersectoral and multidisciplinary research are the responsibility of the Ministry of Research and Technology.

72. A second stage involves: the elaboration of research regulations, the status of the researcher, university autonomy, etc., all of which are being finalized; recovery by the universities of their right to be the first to promote basic research, since advanced technology and industry are not possible without high-level basic research. This research and development network ensures that every individual can exercise his right to benefit from scientific progress and its applications.

73. (b) The science and technological development policy is an integral part of Government policy. It is primarily aimed at the development and exploitation of national scientific and technological resources so as to promote the progress of knowledge in all areas of activity. A further aim is to coordinate all scientific and technological activities, related services and problems of a general nature concerning international transfers of technology and the safeguarding of the natural heritage in Romania and the world at large. These aims can be achieved through programmes which, while necessarily topical, are also forward-looking. An Inter-Ministerial Commission (teaching, research, industry, defence, agriculture, health, public works, communications and culture) has prepared a national plan for the purpose comprising seven programmes considered to be of top priority or of general interest for Romanian science.

These programmes are:

The national ecological programme;

The national programme for energy and raw materials;

The technological development programme;

The computerization programme;

The biotechnology and agriculture programme;

The seismic research programme;

The social and human sciences programme.

74. Scientific research and technological development in Romania are supported financially by research contracts, except for implementation of these programmes. The financing of research and development expenditure for the financial year 1991 was achieved using the funds earmarked for the purpose in the State budget, a special research and development budget and funds at the disposal of commercial companies and independent corporations and constituted by them in accordance with the law. On the basis of legal documents and Government decrees, the Government has allotted funds for the direct financing from the State budget of some research contracts which are part of national intersectoral and multidisciplinary programmes, as well as the research programmes of the higher education institutes and the units themselves to include coverage of the financing of basic scientific research. For the year 1991, a fund of 1.5 million lei was allocated from the State budget, distributed as follows:

600 million lei for scientific research and higher education;

130 million lei for the research units;

770 million lei for the departmental research and development units.

75. The task of the Ministry of Research and Technology is also to manage the budget which is to be used, as a matter of priority, to support research and development and technological renovation programmes in branches and sectors of the national economy, as well as for the financing of basic multidisciplinary and intersectoral scientific research and project design activities, subsidies for technical and scientific literature and written culture and other topics of particular importance.

76. The special budget is being established by the introduction of a 1 per cent research and development tax calculated on the basis of industrial output, overall agricultural and forestry output, construction-assembly output and gross revenue from transport and telecommunications. The budget consists of monthly deposits by economic agents with State capital in a Ministry of Research and Technology account. Funds from the special budget are used only on the basis of the recommendations of the Advisory Board for Applied Research and Development, with Government approval.

77. The dissemination of culture and its possible use for industrial and commercial purposes must not be detrimental to the moral and material interests of authors. Protecting authors' interests means protecting the results of intellectual creativity, i.e. the specific values which reflect the characteristics and spirit of each nation. The new royalties bill drafted by the Ministry of Culture and creative artists' unions provides full protection for the moral and material interests of authors and brings legislation in this field into line with international requirements. Under this bill, the range of works which are entitled to legal protection is expanded to include computer programmes, databases and audiovisual recordings and the number of

persons entitled to royalties has also been increased. Provision is thus made for royalties for performers and producers of records, radio broadcasting organizations, film producers, etc.

78. In addition to its concern about improvements in internal structures, the Ministry of Research and Technology gives priority to international cooperation by Romania in the research and development field. This is an additional way of guaranteeing the promotion and dissemination of science and culture, which are essential for freedom of scientific research and creative activity. As a Government body, the Ministry is responsible for concluding technical and scientific cooperation agreements, protocols and memorandums with similar bodies in other countries.

79. The technical and scientific cooperation activities carried out by the International Scientific Cooperation Department include: exchanges of experts through direct contacts; joint research as part of long-term and medium-term strategies; scientific documentation training courses; reciprocal information and participation in technical and scientific meetings organized in partner countries; joint publication of specialized studies and articles; exchanges of books, specialized publications, test films and video materials, research material and equipment and specific computer programmes; joint research laboratories, pilot installations and other facilities in keeping with the partner's interests; lectures; research services at the partner's request; research work conducted in whole or in part by partners in the context of national or international programmes; and scholarships for young research workers.

80. The International Scientific Cooperation Department also assumes responsibility for preparing and carrying out special activities resulting from decisions adopted by international bodies within and outside the United Nations system. In 1990 and early 1991, the Ministry of Research and Technology concluded a set of technical and scientific cooperation conventions and agreements with similar bodies in Europe, America and Asia.

81. The improvement of the data processing system requires: the preparation of an inventory of national scientific and technological potential; the establishment of a data bank; the preparation of a prognosis for a science policy in Romania; and the preparation of models to assess the effectiveness of scientific research; the connection of the computer network to OSIM, INID, BCU, ICI and EARN (European Academic Research Network).

82. Increased international cooperation is required for the design of basic and original research programmes in areas of priority interest to develop existing potential in cooperation with international bodies such as the United Nations, the European Economic Community and UNESCO; and for the solution of general problems relating to transfers of technology.

83. (a) As far as culture is concerned, the principle of creative freedom is of paramount importance (art. 30 of the Constitution and Government decision No. 942/1990). On the basis of the provisions of Decree-Law No. 27/90, which guarantees freedom of creative activity, writers, artists, composers and film and theatre producers may join professional organizations that enjoy structural, economic and operational autonomy. The categories of

creative artists in question may thus build up their own sources of financing by establishing independent economic units: publishing houses, print shops, units, bookstores, studios, shops, etc. Earnings are used for the achievement of the cultural and social objectives defined in the statutes of the creative artists' organization. Creative unions have structures with separate legal personality, such as the Literary Fund and the Plastic Arts Fund, which are responsible for providing a material basis (offices, workshops, studios, archives, libraries, recording studios, etc.) and which help their members conclude contracts, guarantee the payment of royalties and perform a social welfare function involving pensions, assistance, facilities for medical care, etc.;

(b) As part of their cultural function, creative artists' unions may maintain relations with other Romanian and foreign cultural organizations and engage in exchanges of information and experience. They also organize symposia, festivals and scientific meetings;

(c) The measures taken by the Government include legislation on stamps in favour of creative artists' unions: Decree-Law No. 93/1990 amending some provisions relating to the "literary stamp"; Decree No. 94/1990 establishing the "film making stamp"; Act No. 62/1991 establishing the "music stamp"; and Act No. 63/1991 establishing the "folklore stamp". The measures taken as part of the State's financial policy include the legislation relating to the calculation of taxes on the movement of goods, Government decision No. 470/1991 on taxation of income from artists' royalties, and Government decision No. 679/1991 on the entertainment tax. The State also supports creative artists' associations by providing them with premises (Government decision No. 5/1992 on premises used by the Artists' Union), and budget subsidies for certain well defined purposes (art. 8 of Decree-Law No. 27/1990).

84. With regard to increased cultural cooperation and contacts, attention is drawn to the cultural cooperation programmes negotiated and signed with France, Germany, Italy, the United Kingdom, the Netherlands, Luxembourg, Turkey, Greece, Spain, Israel, China and Morocco. Direct cooperation agreements have also been concluded at the Ministry of Culture level with Hungary and the Republic of Moldova and dialogue has been re-established with other cultures. In 1990, Romania took part in over 200 cultural events abroad and also organized more than 30 major international events in its territory; representatives, artists and groups took part in some 70 international art festivals and 30 international competitions; Romanian cultural personalities took part in over 100 international congresses, conferences and seminars. Cultural centres were opened on a reciprocal basis. Romania resumed participation in the activities of international cultural organizations, such as UNESCO and its specialized agencies (ICOM, ICCROM and ICOMOS).

85. Since 1972, Romania has been a party to the Berne Convention for the Protection of Literary and Artistic Works, as amended in Stockholm in 1967, and it is preparing to accede to the Convention in the form in which it was amended in Paris in 1971. In 1990, it also acceded to the UNESCO Convention for the Protection of the World Cultural and Natural Heritage and, in 1991, to the European Cultural Convention (Council of Europe).

Annex

Statistical data on instruction in the mother tongue of minorities

1991-1992 school year

I. Schools classified by language of instruction

Level of instruction	Total units and section	Units and section in:							
		Hungarian	German	Serbian	Ukrainian	Slovak	Czech	Bulgarian	Turkish
Total	2 831	2 428	303	42	11	38	5	2	2
Nursery schools	1 285	1 085	161	16	7	10	2	2	2
Primary and lower secondary schools	1 322	1 139	127	24	3	26	3	-	-
Higher secondary schools	153	135	14	1	1	2	-	-	-
Vocational schools	58	57	-	1	-	-	-	-	-
Post-secondary schools	13	12	1	-	-	-	-	-	-

II. Enrolment by level of instruction and mother tongue

Level of instruction	Total children and pupils	Instruction in:							
		Hungarian	German	Serbian	Ukrainian	Slovak	Czech	Bulgarian	Turkish
Total	245 507	222 826	18 711	1 535	542	1 409	217	186	81
Nursery schools	55 827	47 530	6 847	467	310	325	72	186	81
Primary and lower secondary schools	146 341	134 486	10 167	575	140	918	145	-	-
Higher secondary schools	35 547	33 409	1 605	275	92	166	-	-	-
Vocational schools	6 589	6 380	-	209	-	-	-	-	-
Post-secondary schools	1 113	1 021	92	-	-	-	-	-	-

III. Teachers, by level of instruction and mother tongue

Level of instruction	Total teachers	Instruction in:							
		Hungarian	German	Serbian	Ukrainian	Slovak	Czech	Bulgarian	Turkish
Total	13 974	12 714	1 041	88	25	85	11	7	3
Pre-primary	2 695	2 336	298	23	13	13	2	7	3
Primary	3 818	3 415	319	34	5	36	9	-	-
Secondary	7 461	6 963	424	31	7	36	-	-	-